

REMARKS

In the Office Action mailed April 23, 2009, the Examiner noted that claims 1, 2, 6, 7, 9-12, 14-17 and 19-22 were pending, and rejected all claims. Claims 1, 6 and 9 have been amended, and, thus, in view of the forgoing claims 1, 2, 6, 7, 9-12, 14-17 and 19-22 remain pending for reconsideration which is requested. No new matter has been added. The Action rejections are traversed below.

Page 2 of the Office Action rejects claims 1, 2, 6, 7, 9-12, 14-17 and 19-22 under 35 U.S.C. § 103 over Walker and Official Notice using Filiatrault as an example of that which is allegedly well known.

The Action asserts that Walker discloses the "first detector" of claim 1 and points to figures 1A and 1B and parts of columns 3, 5, 6 and 8 in Walker. This text and the figures of Walker discuss interaction between seller devices, customer devices, networks and a controller when the customer is facilitating a purchase. However, there appears to be nothing said about, in a non contact manner, detecting customer identification information on the storage and identifying a visiting customer in the shop ("detects in a non-contact manner the customer identification information stored in said storage medium and identifies a visiting customer in a shop") as now clarified in claim 1).

Filiatrault (and the Official Notice) has not been shown to add anything to Walker with respect to the feature discussed above.

Claim 9 also emphasizes "a first detector, arranged in a shop, that detects in a non-contact manner the information stored in said storage medium and identifies a visiting customer in the shop".

Withdrawal of the rejection for this reason is requested.

In addition, claim 1 calls for giving a customer a reward when another related customer is detected in the store within a certain period of time of a payment by the customer.

when the second detector detects ... another customer who belongs to the same group as the customer ... and if customer identification information of another customer is stored in said visiting-customer information storage device, and if a difference between a detection time . falls within a predetermined period of time ... a reward is given to the customer detected by the second detector
(See Claim 1)

That is , the reward is give for the presence in the store of the other related person. The Action points to Walker at col. 3, lines 17-28 for this feature. This Walker text discusses giving a reward when purchases are made within a time limit:

In order to become eligible to receive the reward, a group must satisfy certain conditions established by the group reward program. For example, a condition may be a number of purchases or a value (e.g., dollar amount) of purchases to be achieved. A condition may also include a time limitation within which the purchases are to be achieved. The time limitation may be a standard measurement of time, such as a day, a week, a month or a year. A condition may further include a specific time period for making qualified purchases, such as between the dates of Jun. 1, 1998 and Jul. 1, 1998.

(See Walker, col. 3, lines 17-28)

That is, to get a reward in Walker purchases must be within a certain time limit. This is very different from giving a reward when presence another related person is detected in the shop[within a time period of a purchase as called for in claim 1.

Claim 9 also calls for giving a reward when another related customer is detected as " present in said shop".

Withdrawal of the rejection for this additional reason is requested.

It is submitted that the independent claim distinguish over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 103. It is also submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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